UNITED STATES PATENT AND TRADEMARK OFFICE

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10/698,694	10/31/2003	Frederick Henry Covely III	BCFT.1623	1902

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _09 February 2004 and 31 October 2003_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-20_ is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-20_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _09 February 2004_ is/are: a)☐ accepted or b)☒ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some * c)☐ None of:

         1.☐ Certified copies of the priority documents have been received.

         2.☐ Certified copies of the priority documents have been received in Application No. _____.

         3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
     Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   This action is responding to application papers dated on 2/9/2004 and 10/31/2003.

2.   Claims 1-20 are pending in the application.

Drawings

3.   The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they

do not include the following reference sign(s) mentioned in the description: 25 in page 28.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office

action to avoid abandonment of the application. Any amended replacement drawing sheet should

include all of the figures appearing on the immediate prior version of the sheet, even if only one

figure is being amended. Each drawing sheet submitted after the filing date of an application

must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37

CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and

informed of any required corrective action in the next Office action. The objection to the

drawings will not be held in abeyance.

Specification

4.   The use of the trademark JAVA, JAVASCRIPT, VISUAL BASIC, and COLD FUSION

has been noted in this application. It should be capitalized wherever it appears and be

accompanied by the generic terminology.

         Although the use of trademarks is permissible in patent applications, the proprietary

nature of the marks should be respected and every effort made to prevent their use in any manner

which might adversely affect their validity as trademarks.

Claim Rejections - 35 USC § 101

5.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6.   Claims 1-11 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1-11 are non-statutory because they are directed to a system that does not have any physical structural elements. The claimed tracing and filtering means are computer program in the specification. With no other structure in the independent claim to rely on, the alleged "system" of the claims turns out to be an abstract idea for being a computer program per se, and, thus, does not fit within the definition of the categories of patentable subject matter set forth in § 101. Therefore, the claims are non-statutory.   "A system having a processor" is recommended.

The following link on the World Wide Web is for the United States Patent And Trademark Office (USPTO) policy on 35 U.S.C. §101. The following link on the World Wide Web is for the United States Patent And Trademark Office (USPTO) policy on 35 U.S.C. §101. <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/guidelines101_20051026.pdf>

Claim Objections

7.   Claims 1-11 are objected to because of the following informalities: Per claim 1, in line 10, it appears that "mimics" should be used. Per claim 7, "analysis" in line 2 and "redirect" in line 6 need to be corrected to "analyzes" and "redirects." As per claims 2-6 and 8-11, these claims are objected for dependency on the above objected parent claim 1. Appropriate correction is required.

Claim Rejections - 35 USC § 112

8.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9.   Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the site" in line 11. There is insufficient antecedent basis for this limitation in the claim. Interpretation: the website.

Per claim 1, it is unclear how the source code and robot are generated and how such source code, robot, computer software program, tracing means, and filtering means are related.

Per claim 2, it is unclear to what tracing means in line 2 it is referring. Interpretation: the tracing means. Claim 2 recites the limitation "said interface" in line 3. There is insufficient antecedent basis for this limitation in the claim. Interpretation: said application programming interface. Claim 2 recites the limitation "the site" in line 11. There is insufficient antecedent basis for this limitation in the claim. Interpretation: the website. Claim 2 recites the limitation "the call " in line 5. There is insufficient antecedent basis for this limitation in the claim.

Per claim 3, it is unclear to what tracing means in line 2 it is referring. Interpretation: the tracing means.

Per claims 4 and 5, it is unclear to what computer program in line 2 it is referring. Interpretation: the computer software program.

Per claim 6, it is unclear to what filtering means in line 2 it is referring. Interpretation: the filtering means. Claim 6 recites the limitation "said information " in line 4. There is insufficient antecedent basis for this limitation in the claim. In line 9, "HTTP messages" is interpreted as: the HTTP based messages.

Per claim 7, it is unclear to what filtering means in line 2 it is referring. Interpretation: the filtering means. Claim 7 recites the limitations "the content" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 8 recites the limitation the/said source code and the computer program in the claim. There is insufficient antecedent basis for these limitations in the claim. "during tracing" is interpreted as: during said tracing.

Claim 9 recites the limitation the/said source code in the claim. There is insufficient antecedent basis for these limitations in the claim. "parse filtering means" is interpreted as: parse the filtering means.

Claim 10 recites the limitation the/said source code in the claim. There is insufficient antecedent basis for these limitations in the claim.

Per claim 11, "a website" in line 3 is interpreted as: the website.

Per claim 12, "existing websites" in line 7 and "traced" in line 8 are interpreted as: the existing websites and 'the traced." It is unclear how the source code is generated and how the generating source code is related with the computer software program, tracing step, filtering and analyzing steps.

Per claim 13, "existing websites" is interpreted as: the existing websites.

Claim 17 recites the limitation the computer program in line 2 and the underlying site in line 10. There is insufficient antecedent basis for these limitations in the claim. Furthermore, it is unclear how the web page and website are related. "existing websites" in line 9 is interpreted as: the existing websites.

Claim 18 recites the limitation the software in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 19 recites the limitation the software in line 2. There is insufficient antecedent basis for this limitation in the claim.

As per claims 14-16 and 20, these claims are rejected for dependency on the above rejected parent claims.

Claim Rejections - 35 USC § 102

10.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

11.   Claims 12-16, 18, and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Sahota et al. (US Pub. No. 2005/0114757) hereafter Sahota.

Per claim 12:

Sahota discloses:

- manipulating an existing website, providing a computer software program to collect

data on existing websites (i.e. "acquiring and transforming existing …HTML

content…for display and execution," abstract)

- tracing an existing website when the website is being accessed by third party users (i.e.

"The content acquisition subsystem of the agent spider is flexible and new acquisition

modules can be easily plugged in…to locate, acquire and convert content dynamically,"

page 5, 0059)

- filtering the collected data on existing websites (i.e. page 9, 0103; page 5, 0058);

- analyzing the data collected from traced and filtered websites (i.e. page 3, 0041,0042)

- generating a source code. (i.e. "an XML file is transformed into an HTML web page,"

page 6, 0068 and 0069).

Per claim 13:

Sahota further discloses:

- providing an application programming interface to, record data from existing websites

(i.e. page 6, 0063; page 5, 0058).

Per claim 14:

Sahota further discloses:

- tracing an existing website to collect data from internet protocol events and a plurality

of application programming interfaces (i.e. page 6, 0068, 0069, 0063; page 5, 0058).

Per claim 15:

Sahota further discloses:

- allowing an end user to hard code the generated source code (i.e. page 6, 0069; page 3, 0040; page 2, 0027).

Per claim 16:

Sahota further discloses:

- automating the generation of source code to an end user (i.e. page 6, 0068).

Per claim 18:

Sahota further discloses:

- integrating the software into a web browser as a browser plug-in (i.e. page 5, 0059).

Per claim 20:

Sahota further discloses:

- allowing an end user to click on a button in a web browser plug-in that completes multiple forms without further user intervention (i.e. page 9, 0100).

Claim Rejections - 35 USC § 103

12.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

13.   Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sahota et al. (US Pub. No. 2005/0114757) hereafter Sahota.

Per claim 1:

Sahota discloses:

- A system for manipulating existing websites said system comprising: a computer software program to collect data on existing websites (i.e. "system...for acquiring and transforming existing ...HTML content...for display and execution," abstract)

- a tracing means for tracing an existing website when the website is being accessed by third party users (i.e. "The content acquisition subsystem of the agent spider is flexible and new acquisition modules can be easily plugged in...to locate, acquire and convert content dynamically," page 5, 0059)

- a filtering means for filtering the collected data on existing websites (i.e. page 9, 0103; page 5, 0058);

- a generated source code (i.e. "an XML file is transformed into an HTML web page," page 6, 0068 and 0069).

Sahota teaches an agent spider program and generating sources from XML extract using XSL (i.e. page 6, 0068 and 0069). Sahota does not explicitly teach that the generated code is a software robot that mimics a user using a web browser on the site. However, XSL that transforms the XML extract into other source formats would allow the XML file to be

transformed in any other code (i.e. page 6, 0068 and 0069). Therefore, it would have been obvious for one having ordinary skill in the art to modify Sahota's disclosed system at the time applicant's invention was made to generate agent spider code from the XML extract by XSL for manipulation of the existing websites on behalf of users.

Per claim 2:

Sahota further discloses:

- a tracing means wherein said tracing means uses an application programming interface wherein said interface intercepts application programming calls and records the parameters and data passed to the call (i.e. page 6, 0063; the agent spider, page 5, 0058) .

Per claim 3:

Sahota further discloses:

- a tracing means wherein said tracing means collects data from internet protocol network events, including winsock, WinInet, shell, security, User, Active Directory, HTML and DOM application programming interfaces (i.e. the agent spider, page 5, 0058; page 8, 0093, 0090, 0095) .

Per claim 4:

Sahota discloses that the browser can be IE (i.e. page 8, 0095): Therefore, it would be obvious that the agent spider in Sahota can monitor data and events running on Microsoft

Windows operating systems.

Per claim 5:

Sahota discloses that the browser can be any type (i.e. page 8, 0095): Therefore, it would be obvious that the agent spider in Sahota can monitor data and events running on a third party operating system.

Per claim 6:

Sahota further discloses:

- a filtering means wherein said filtering means allows for removal of redundant and useless information collected during the tracing, said information including (i.e. page 7, 0076):

- removal of network management packets that are acknowledgements and retries (i.e. page 9, 0103)

- collation of IP packets into single HTTP based messages; and collation of HTTP messages into single records of content objects, including HTML, images, audio, and other HTTP content (i.e. page 3, 0039; page 9, 0099,0103, 0104, 0108; page 10, 0115).

Per claim 7:

Sahota further discloses:

- a filtering means wherein said filtering means analysis the trace performed, said analysis produces (i.e. page 9, 0103; page 7, 0076)

- an XML record for each content object in the order the content was received (i.e. page 8, 0092, 0093)

- an XML record redirect records and added redirect information (i.e. page 5, 0059)

- an XML record for cookie reads; an XML record for cookie writes (i.e. page 8, 0093)

- an XML record for user navigation events (i.e. page 7, 0081)

- HTTP header information as XML (i.e. page 8, 0093)

- and various other management information relating to the network and user event traces (i.e. page 5, 0059; page 8, 0097).

Per claim 8:

Sahota further discloses:

- the source code wherein said source code is generated by the computer program and further wherein said source code mimics what a user is doing during tracing and is generated by transforming XML to XSL (i.e. page 6, 0068, 0069).

Per claim 9:

Sahota further discloses:

- the source code wherein said source code is generated by the computer program and further wherein said source code is generated by hard coding and further wherein said source code is generated by using a computer language to parse filtering means and generate some other useful product from the filtering means (i.e. page 7, 0076; page 2, 0027; page 3, 0040).

Per claim 10:

Sahota further discloses:

- the source code wherein said source code is transformed to XSL wherein a XSL code

exists for popular languages including Java, JavaScript, Visual Basic, Cold Fusion,

C/C++, Pascal and a plurality of other computer languages (i.e. page 4, 0048; page 6,

0068,0069).

Per claim 11:

Sahota further discloses:

- the software robot wherein said software robot can interface with a website and

manipulate the website during use (i.e. the agent spider, page 5, 0058) .

14.   Claims 17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sahota

et al. (US Pub. No. 2005/0114757) hereafter Sahota in view of Miller et al. (US Patent

7,231,606) hereafter Miller.

Per claim 17:

Sahota further discloses:

-    allowing the computer program to interface with an existing website to automatically

     produce a desired outcome including (i.e. page 6, 0068)

-    automatic form fill-in on a web page (i.e. page 6, 0068)

- interfacing with a website to obtain information previously unattainable (i.e. page 8,
  0095; page 9, 0100,0125)

- and performing software change controls to monitor existing websites for change to
  the underlying site (i.e. page 5, 0058).

Sahota does not explicitly teach performing system testing of a website. However, Miller
teaches testing a website was known in the pertinent art, at the time applicant's invention was
made, to confirm website page content and perform other validation (i.e. col. 17, lines 53-67). It
would have been obvious for one having ordinary skill in the art to modify Sahota's disclosed
system to incorporate the teachings of Miller. The modification would be obvious because one
having ordinary skill in the art would be motivated to validate web page contents as suggested by
Miller.

Per claim 19:

Sahota further discloses integrating the software into a web browser as an extension
wherein the integrated software may display HTTP header parameters and other data (i.e. page 8,
0093, 0095).

Sahota does not explicitly teach that the integrated software may display debug messages.
However, Miller teaches such an integrated spider displaying debug messages was known in the
pertinent art, at the time applicant's invention was made, to present debug message logs to a user
(i.e. col. 5 lines 59-67). It would have been obvious for one having ordinary skill in the art to
modify Sahota's disclosed system to incorporate the teachings of Miller. The modification
would be obvious because one having ordinary skill in the art would be motivated to provide
debug information by displaying a message log as suggested by Miller.

15.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Insun Kang whose telephone number is 571-272-3724. The

examiner can normally be reached on M-F 8:30-5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, MENG AI AN can be reached on 571-272-3756. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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